THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, 27th day of December, 2006

W.P.No.26984 of 2006

Between:

Kovvuri Venkata Reddy … Petitioner

and

The District Election Authority,
(Under A.P. Farmers' Management of
Irrigation Systems Act)-cum-District
Collector, East Godavari District at
Kakinada and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.26984 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in postponing the counting of votes indefinitely relating to the election to the post of Member of Territorial Constituency No.1, Water Users' Association, Konkuduru, Biccavolu Mandal, East Godavari District held on 27-10-2003 as arbitrary, illegal and contrary to the provisions of the A.P. Farmers Management of Irrigation Systems (Conduct of Election) Rules,2003 and consequently to direct the respondents to take steps to complete the counting of votes relating to the said election forthwith and declare the results.

It appears that the election to the Office of Member of Territorial Constituency No.1, Water Users' Association, Konkuduru, Biccavolu Mandal, East Godavari District was

held on 27-10-2003. Petitioner also contested for the said Office along with others. However, though elections were held, counting of votes was postponed indefinitely. On the representation of the petitioner, the 2nd respondent through his Order dated 24-4-2005 directed the 3rd respondent to conduct counting of votes. Thereafter, the 3rd respondent issued a notice dated 3-1-2006 informing the contestants that the counting of votes will be taken up at the Gram Panchayat Office, Konkuduru at 11.00 a.m. on 7-1-2006. However, the said counting was also postponed by a notice dated 7-1-2006 of the 3rd respondent stating that due to unavoidable reasons, counting of votes could not be taken up. Thereafter, no steps were taken by the respondents for counting of votes. In view of the same, the petitioner filed a representation on 16-10-2006 requesting the respondents to take up the counting of votes of the elections held on 27-10-2003 immediately and declare the results. Such representation is still pending and no action has been taken by the respondents so far. Hence, this Writ Petition.

Having heard either counsel and having regard to the facts and circumstances of the case, without expressing any opinion on merits, respondents 1 and 2 are directed to consider the representation purported to have been made by the petitioner on 16-10-2006 and pass appropriate orders, within a period of three weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

With the above direction, the Writ Petition is disposed of. No order as to costs.

27-12-2006

Office to furnish

CC within 3 days

(B.O.)

prk